

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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RODNEY C. MOORE,

ORDER

Petitioner,

v.

12-cv-613-wmc

WARDEN WILLIAM POLLARD,

Respondent.

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On August 14, 2012, state inmate Rodney A. Moore filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging his state court conviction in Dane County Circuit Court case number 2005CF1306. On August 30, 2012, the court issued a preliminary order directing Moore to either pay the \$5.00 filing fee or submit “a trust fund account statement for the last six months” in compliance with the federal *in forma pauperis* statute, 28 U.S.C. § 1915(a), before September 20, 2012. After Moore failed to respond, Moore’s case was closed under Fed. R. Civ. P. 41(b) on October 3, 2012.

Moore has filed more than one motion for reconsideration. To date, however, Moore has failed to comply with the preliminary order directing him to pay the filing fee or submit a trust fund statement that comports with 28 U.S.C. § 1915(a). Accordingly, the court will deny Moore’s motions for reconsideration.

In addition, Moore has filed a notice of appeal and a motion for appointment of counsel to assist him on appeal. Presumably, Moore also requests leave to proceed *in*

*forma pauperis* on appeal. Because Moore has failed provide proof of his indigence as required by § 1915(a), the court will deny leave to proceed without prepayment of the appellate docketing fee and will also deny the motion for appointment of counsel.

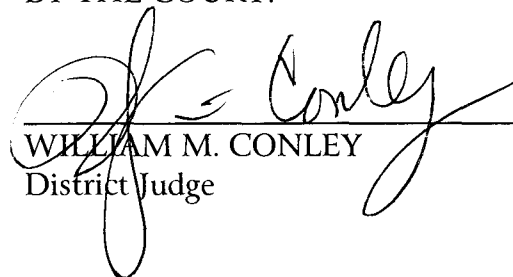
ORDER

IT IS ORDERED that:

1. The motions for reconsideration filed by Rodney C. Moore, dkts. # 8, # 10, are DENIED.
2. The request for leave to proceed *in forma pauperis*, dkt. # 11, and the motion for appointment of counsel, dkt. # 14, are DENIED. Moore may re-file these motions before the court of appeals.
3. A certificate of appealability is DENIED. Moore may seek a certificate from the court of appeals under Fed. R. App. P. 22.

Entered this 8<sup>th</sup> day of January, 2013.

BY THE COURT:

  
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WILLIAM M. CONLEY  
District Judge